

**SOUTH DAKOTA BOARD OF NURSING**

**RECEIVED**

**JUL 16 2002**

**SD BOARD OF NURSING**

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**IN THE MATTER OF THE  
LICENSURE PROCEEDINGS**

**RE: Pamela M. Left Hand Bull, RN**

**STIPULATION AND ORDER**

**License No. R031973**

**Licensee.**

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WHEREAS, PAMELA M. LEFT HAND BULL, R.N., ("Licensee"), holds a license to practice as a registered nurse in the State of South Dakota (License number R031973); and

WHEREAS, Licensee, during the course of her employment at the Cherry County Hospital in Valentine, Nebraska, during the period of December 20, 2001, through approximately April 4, 2002, failed to demonstrate competency in performing assigned nursing tasks including medication administration, patient assessments and critical thinking skills, thus violating SDCL 36-9-49 (5),(7) and (10), and that such conduct evidenced acts and omissions which were inconsistent with the health or safety of persons entrusted to her care, violated provisions of the rules and statutes regulating the practice of nursing, and would be unprofessional.

WHEREAS, the Licensee recognizes that these matters are of a nature which would constitute grounds for the discipline of his license to practice nursing in South Dakota under SDCL §36-9-49; and

WHEREAS, the South Dakota Board of Nursing (hereinafter "the Board") has a statutory obligation to protect the public health, safety and welfare set forth in SDCL §36-9, including the protection of the public from unsafe nursing practices and practitioners; and

WHEREAS, the Licensee has requested the Board's Executive Secretary to present this Stipulation to the Board for action and recognize that the Board may approve this Stipulation, reject it, or modify it; and

WHEREAS, in the event the Board, in its discretion, does not approve this settlement or a lesser remedy than indicated in this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party. Licensee agrees that if the Board rejects this Stipulation and this case proceeds to hearing, Licensee will assert no claim that the Board was prejudice by its review and discussion of this Stipulation or any of the records or information relating hereto; and

WHEREAS, the Licensee has expressed a desire to resolve this matter without the necessity of additional formal disciplinary proceedings and hearings; and

WHEREAS, on June 13, 2002, Licensee and staff of the South Dakota Board of Nursing entered into an agreement wherein Licensee voluntarily agreed to refrain from any nursing practice in any state until such time as this matter was resolved, and this stipulation and order is intended to resolve this matter;

WHEREAS, it is the intent of this Stipulation to provide for a settlement of the licensing issues presented by the Licensee's conduct, in a professional manner, without the necessity of further hearings and proceedings herein, and to provide for a responsible solution; now, therefore,

**IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:**

1. That the Board has jurisdiction over the person of the Licensee and the subject matter of this Stipulation.
2. The Licensee, during the course of her employment at the Cherry County Hospital in Valentine, Nebraska, during the period of December 20, 2001, through approximately April 4,

2002, failed to demonstrate competency in performing assigned nursing tasks including medication administration, patient assessments and critical thinking skills, thus violating SDCL 36-9-49 (5), (7) and (10), and that such conduct evidenced acts and omissions which were inconsistent with the health or safety of persons entrusted to her care, violated provisions of the rules and statutes regulating the practice of nursing, and would be unprofessional.

3. The Licensee has been given an opportunity to discuss this Stipulation with an attorney of Licensee's choice, and is aware of Licensee's right to a hearing in this matter, and all rights under the United States and South Dakota Constitutions, laws, rules and/or regulations. Licensee hereby voluntarily waives all such rights to a hearing, notice, appearance, or any other rights under said Constitutions, laws, rules and/or regulations. Licensee is entering into this Stipulation voluntarily and without duress or compulsion. Licensee also agrees that the Board's Executive Secretary may present this Stipulation to the Board and disclose to the Board all items of her investigation, including, but not limited to, any communications with Licensee.

4. Licensee's license to practice nursing is placed upon a probationary status for a period of thirty six (36) months of employment in nursing practice from the date of this Stipulation being approved by the Board, which probationary terms and conditions shall be completely followed by the Licensee as follows:

#### **CONDITIONS:**

1. That the Licensee will notify the Board of any employment in nursing, including changes in employment. Furthermore, the Licensee will inform any current or prospective employer with whom she seeks employment as a nurse, as to the subject matter and the nature of the proceedings and the Stipulation. Licensee would further agree that any such employer would during the first year of probation, provide quarterly written reports to the Board as to his progress as an



employee, and during the balance of the probationary period provide reports on a basis of every six (6) months. The reports shall provide and/or address:

- a) In the first report **which shall be due prior to the Licensee's beginning service or new employment**, evidence that Licensee's supervisor has received a copy of the Order and that the supervisor agrees to comply with the reporting and supervision requirements of this Order;
- b) Licensee's attendance and reliability;
- c) Licensee's ability to practice professional nursing, including the exercise of clinical decision making and adherence to documentation standards;
- d) Licensee's ability to carry out assigned functions, including Licensee's decision making, critical thinking, ability to establish priorities, and compliance with the facility's policies, and procedures;
- e) Licensee's ability to handle stress;
- f) Number of hours Licensee worked during the reporting period;
- g) Any other information which the supervisor believes would assist the Board in its ultimate review of the case.
- h) The employer agrees to report any concerns or violations of the Stipulation and Order or the Nurse Practice Act (SDCL 36-9) to the Board of Nursing immediately.

2. Licensee shall not be employed by a temporary agency.

3. Licensee may not hold a charge or supervisory position for the first six months of active practice in nursing under the terms of this probation and may only practice under the "on-site" supervision of a licensed nurse in good standing with the Board for a minimum of six months of active practice in nursing. The supervising nurse shall be primarily one (1) person, who may periodically delegate to other qualified personnel.

4. Licensee shall arrange with the Board staff probationary meetings once every three (3) months during the first year of probation. Thereafter, probationary meetings will be arranged by the

Licensee every six (6) months for the balance of the probationary period. It will be the obligation of the Licensee to schedule these meetings at such time and place as the Board staff would reasonably designate.

5. Furthermore, the Licensee will submit a self-evaluation report to the Board office prior to each probationary meeting. The report shall provide and/or address:

- a) Licensee's professional employment status, including employer support, peer support, and ability to handle stress;
- b) Licensee's ability to practice professional nursing, including the exercise of clinical decision making and adherence to documentation standards.
- c) Licensee's ability to carry out assigned functions, including Licensee's decision making, critical thinking, ability to establish priorities, and compliance with the facility's policies and procedures; and
- d) Any other information which the Licensee believes would assist the Board in its ultimate review of the case.

6. The Licensee shall successfully complete the South Dakota State University RN refresher course within 6 months of the date of this Order, with the following conditions:

- a) All written examinations may only be taken once;
- b) The clinical plan shall be pre-approved in writing by the Board staff;
- c) Should the Licensee not successfully complete the refresher course within 6 months of the date of this order, Licensee's nursing license shall be suspended indefinitely. Licensee may not petition for reinstatement until after a minimum period of one year. Nothing in this order should imply that Licensee will be granted reinstatement, it being recognized that reinstatement, and the length, terms and conditions of any subsequent probation after reinstatement, would be at the sole discretion of the Board.

7. Licensee shall at any time during the period of probation, report in person to such meetings of the Board or to its designated representatives as directed and otherwise fully cooperate with the Board or its representatives in the terms of this probation.

8. Licensee shall not violate any law or regulation regarding the practice of nursing.

9. Licensee shall execute all release of information forms as may be required by the Board or its designee.

10. Within ten (10) days of the effective date of the order, Licensee shall submit his current renewal certificate to the Board office to be stamped "PROBATION".

11. Licensee shall notify the Board, in writing, within one (1) week of any change in nursing employment, personal address and/or telephone number.

12. Licensee shall pay for all costs and expenses in carrying out any conditions of the probation.

13. Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, they must first be approved by the Board prior to leaving the state. If Licensee fails to receive such approval before leaving the state, none of the time spent out-of-state will be credited to the fulfillment of the terms and conditions of this Order.

14. Licensee may petition the Board for early closure of the probationary agreement after 24-months of successful completion of the terms outlined in this order.

15. If Licensee obtains a license issued solely or under joint regulatory powers by the Board, other than the license to which this Stipulation refers, at any time during the period of the probation, the terms of this probation shall apply to the other or additional licenses issued by the Board.

16. Notwithstanding anything in this Stipulation and Order to the contrary, should the



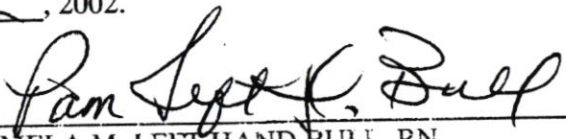
Licensee be convicted of a felony which would be grounds for discipline under SDCL § 36-9-49, either relating to the allegations herein or to any other actions or omissions of Licensee, the Licensee agrees that the Board may take further action against his license, including, but not limited to, immediate suspension, additional probation terms, or an additional length of probation, or other disciplinary action. Licensee agrees to immediately inform the Board of the outcome of any criminal charges presently or hereafter pending against Licensee.

17. All provisions and conditions of this Stipulation shall carry over to any license or privilege to practice that the Licensee receives pursuant to the multi-state nursing compact.

18. If any condition of this probation is violated, the Licensee agrees that the Board may take such actions as the Board deems necessary up to and including a total and complete revocation of Licensee's licensing rights as a nurse in South Dakota.

NOW, THEREFORE, the foregoing Stipulation is entered into and is respectfully submitted to the Board with the request that the Board adopt its terms as an order of the Board in the above matter.

Dated this 15 day of July, 2002.

  
PAMELA M. LEFT HAND BULL, RN  
- License R031973

The South Dakota Board of Nursing meeting on the 18 day of July, 2002,  
(approved)(rejected) the attached Stipulation (as written) (with the following modifications):

and issued its order of probation consistent herewith as follows:

IT IS HEREBY ORDERED that the above Stipulation is adopted as an Order of the South Dakota Board of Nursing this 18<sup>th</sup> day of July, 2002, by vote of 8-yes; 0-no.

Diana Vander Woude  
Diana Vander Woude, Executive Secretary